

## INSTRUCTIONS TO EARN 5 CME CREDIT HOURS

Using the reply card on page 3, answer all 20 questions below. Each question has only one correct answer. An answer key is provided on page 6 in the article entitled "Neck Pain."

### - QUESTIONS -

1. The DoD Malpractice Database was established for all of the following purposes **EXCEPT** to:
  - A. Assist internal DoD health care quality assurance and risk management programs.
  - B. Stimulate study of high risk clinical areas by other quality management efforts, such as CEPRP.
  - C. Remove the clinical privileges of health care providers who are negligent.
  - D. Educate health care providers about clinical errors that have repeatedly occurred.
2. According to this database, the most frequent allegation of medical negligence within DoD is related to:
  - A. surgical procedures.
  - B. diagnoses.
  - C. treatments.
  - D. obstetrical care.
3. Regarding DoD malpractice claims:
  - A. Approximately 17 percent involve pregnancy, childbirth and the puerperium.
  - B. Approximately 10 percent involve the circulatory system.
  - C. Over 50 percent involve cancer.
  - D. All of the above.
  - E. A. and B. only.
4. All of the following statements are true regarding DoD malpractice claims **EXCEPT**:
  - A. The annual rate has been between four and eight claims per 100 physicians since 1986.
  - B. Nearly one-fourth of the claims involve patients two years and younger.
  - C. Approximately one-third are administratively denied as without merit.
  - D. Nearly two-thirds of the total amount paid involved merely 10.7 percent of the paid claims.
  - E. One-eighth involve orthopedic surgeons.
5. The locality rule limited:
  - A. a plaintiff to file suit in only one locality.
  - B. a physician to practice in only the same locality as she was trained.
  - C. a plaintiff to proffer the testimony of experts only from the same locality as the defendant.
  - D. a physician to defend claims in one locality.
  - E. a judge to preside over cases involving only one locality.
6. Expert testimony in medical malpractice litigation is required to establish:
  - A. the standard of proper professional skill or care.
  - B. a breach of that standard by a defendant.
  - C. a causative link between a defendant's breach and a patient's injury.
  - D. all of the above.
7. The *Daubert* decision by the Supreme Court:
  - A. set explicit criteria for determining the value and reliability of scientific evidence.
  - B. eliminated "junk science" from the courtroom.
  - C. held Bendectin responsible for birth defects.
  - D. confirmed an end to the era when the *Frye* rule solely determined admissibility of scientific evidence.
8. In medical malpractice cases, a deviation from a practice guideline is:
  - A. negligence *per se*.
  - B. clear evidence of substandard practice.
  - C. admissible and may support a rebuttable inference of substandard practice.
  - D. evidence of no negligence.
  - E. never admissible into evidence.
9. All of the following statements are true regarding the use of practice guidelines in medical malpractice cases **EXCEPT**:
  - A. In Maine, practice guidelines may be introduced into evidence only by a defendant.
  - B. Maryland prohibits plaintiffs or defendants from citing practice guidelines at trial.
  - C. Washington encourages the use of practice guidelines in medical malpractice cases.
  - D. Federal legislation was passed in 1995 that links adherence to practice guidelines with protection against malpractice claims.
10. An American College of Physicians survey regarding practice guidelines reported:
  - A. a uniformly unfavorable reaction.
  - B. an objection to guidelines on the grounds that they reduce autonomy.
  - C. a consensus that guidelines would reduce medical malpractice suits.
  - D. all of the above.
  - E. none of the above.

## CONTINUING MEDICAL EDUCATION QUIZ, cont'd

11. Neck pain:
  - A. rarely occurs.
  - B. often indicates a serious medical condition.
  - C. rarely indicates a serious medical condition.
  - D. rarely is self-limited and often dramatically worsens, if not treated.
  - E. none of the above.
12. The diagnosis of a spinal epidural abscess is difficult because:
  - A. a spinal epidural abscess is a common disease.
  - B. providers are not taught today how to take a proper clinical history.
  - C. the presenting symptoms are often unusual.
  - D. a spinal epidural abscess is a relatively rare disease for which a diagnosis must be suspected and pursued by providers who may have never encountered a case clinically.
  - E. all of the above.
13. Regarding traumatic neck injuries:
  - A. Cervical disc disease always presents as a nagging chronic condition without a traumatic antecedent.
  - B. Most neck trauma results in serious neurologic injury.
  - C. Delayed diagnoses of cervical fractures are rare because every traumatized patient's cervical spine is x-rayed.
  - D. The American College of Surgeons advises that a cervical spine fracture be assumed in any patient with multisystem trauma because such an injury is potentially devastating when not suspected and properly handled.
  - E. A cervical spine CT is required in most cases.
14. Regarding breast cancer:
  - A. Mammography has replaced histopathologic analysis for diagnosis.
  - B. The disease occurs most frequently in women of childbearing age.
  - C. Approximately 100,000 cases have been diagnosed in the last five years.
  - D. All of the above.
  - E. None of the above.
15. Medical malpractice claims involving breast cancer:
  - A. are the most frequent cause, by disease category, for payment and a leader in the total amount of indemnification.
  - B. may be filed against family practitioners, internists, surgeons, radiologists or pathologists.
  - C. represent a new form of tort liability in this country.
  - D. all of the above.
  - E. A. and B. only.
16. According to the 1995 PIAA study on malpractice claims involving the diagnosis of breast cancer:
  - A. Patients at presentation were relatively young.
  - B. Patients usually detected the lesion themselves.
  - C. Mammography was either negative or equivocal, when a lesion was present, in nearly 4 out of 5 cases.
  - D. All of the above.
  - E. A. and B. only.
17. Lessons learned from analyzing breast cancer malpractice claims include:
  - A. Breast cancer can occur in relatively young patients, some when pregnant.
  - B. The clinical presentation of breast cancer includes painful or tender breast lesions.
  - C. Diagnostic mammography does not currently exist, and breast cancer can be diagnosed now only upon the satisfaction of histopathologic criteria.
  - D. The potential for false negative biopsies is heightened when evaluating small breast lesions.
  - E. all of the above.
18. Mechanisms of managed care include:
  - A. restrictions on referrals to specialists.
  - B. development of criteria for ordering diagnostic tests.
  - C. limitations on performing certain procedures.
  - D. all of the above.
  - E. none of the above.
19. Recent court opinions indicate that, in managed care systems, a physician should make decisions primarily based upon:
  - A. medical necessity and the patient's best interests.
  - B. strict interpretation of cost-savings mechanisms.
  - C. telephone authorization of services by an insurer.
  - D. all of the above.
  - E. none of the above.
20. Referrals to specialists may constitute the largest liability risk for a primary care provider in managed care because:
  - A. most specialists in managed care networks are incompetent.
  - B. when an incompetent specialist renders substandard care, a primary care provider may be accused of negligent referral.
  - C. too many unnecessary specialty referrals are made.
  - D. all of the above.
  - E. none of the above.

# MEDICOLEGAL CME ANSWER SHEET

## OPEN FILE, FILE 96

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### Circle your answer to each question.

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